

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

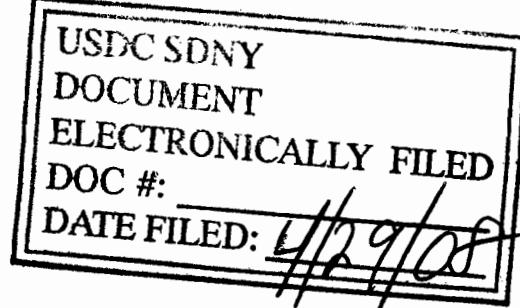
KENNETH DUNNE,

Plaintiff,

-against-

WESTCHESTER DEPARTMENT OF
CORRECTIONS CORRECTIONAL HEALTH,

Defendant.



07 Civ. 9471 (GEL)

ORDER

GERARD E. LYNCH, District Judge:

A review of court records indicates that the complaint in this action was filed on October 24, 2007, and that no proof of service of the summons and complaint has been filed. Rule 4(m) of the Federal Rules of Civil Procedure provides:

If a defendant is not served within 120 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

The plaintiff is directed to serve the summons and complaint on the defendant on or before May 28, 2008. If service has not been made on or before May 28, 2008, and if plaintiff fails to show cause, in writing, why service has not been made, the complaint may be dismissed, for failure to prosecute, pursuant to Rules 4 and 41 of the Federal Rules of Civil Procedure.

Plaintiff is directed to contact the Pro Se Office for this judicial district at 500 Pearl Street, Room 230, New York, New York 10007, telephone number (212) 805-0175, for any procedural assistance he may require.

SO ORDERED.

Dated: New York, New York
April 28, 2008

GERARD E. LYNCH
United States District Judge

Copy mailed to:

Kenneth Dunne
1785 Parlmy Road
Mohegan Lake, NY 10570